

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation on the Commission's own motion into the causes of recent derailments of Southern Pacific Transportation Company trains, compliance of Southern Pacific with applicable laws, rules and regulations, the existence of any local safety hazards, and recommendations for improvements in state and federal laws or regulations.

Investigation 91-08-029  
(Filed August 22, 1991)

**ADMINISTRATIVE LAW JUDGE'S RULING**

This matter was initiated a number of years ago. No activity has directly occurred in this docket for several years. The Commission is interested in closing old proceedings that are not otherwise required for some active purpose to remain open.

In September 2002, a ruling was issued in this docket that inquired as to whether this matter needed to remain open. Comments were filed by the Union Pacific Railroad, successor to Southern Pacific Railroad, respondent (Union Pacific). No other party filed comments. Union Pacific indicated they did not have a position concerning whether there was a need for this proceeding to remain open, but would not object if the Commission were to close this proceeding. However, Union Pacific also noted that this matter was then pending before the United States Court of Appeals for the Ninth Circuit, Case Nos. 01-15141 and 01-15531, *Union Pacific, et al. v. California Public Utilities Commission*.

This matter was not closed at that time, principally due to the judicial review then in progress.

It is the purpose of this ruling to ascertain whether any reason currently exists for this matter to remain open.

Parties are requested to file comments within 10 days that address the following questions:

1. Is there any need for this proceeding to remain open?
2. If the matter is currently undergoing judicial review in some forum, please identify the forum, provide the status of the matter and indicate why this proceeding could not be closed pending the outcome of that review.
3. If the basis for keeping it open is something other than the conclusion of judicial review, please indicate the basis for keeping it open and what remains to be addressed in this matter.

Absent a clear demonstration of a need to maintain this proceeding as a currently open and active docket, I will prepare an order for the Commission closing this matter.

Therefore, **IT IS RULED** that that parties shall comment within 10 days as to whether this proceeding needs to remain as an open and active docket and the reasons for that view, addressing the topics raised above.

Dated May 17, 2004, at San Francisco, California.

/s/ Philip Scott Weismehl

Philip Scott Weismehl  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on all parties of record in this proceeding or their attorneys of record.

Dated May 17, 2004, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.